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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 02/17/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/344,111

Applicant(s)

ONO, YASUMASA

Examiner

Allan Hoosain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2,4-5,11-12,14-15 and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Mizikovsky** (US 5,559,860).

As to Claim 1, with respect to Figures 1-2 and 5, **Mizikovsky** teaches a communication apparatus capable of receiving communication information from an external source, comprising:

discrimination means, 44 and 46, for discriminating presence or absence of reception of the communication information (Figure 1 and Figure 5, labels 502,504); and

control means, 44 and 46, for executing control, in case of reception of the communication information, to set a peripheral device (recording apparatus), capable of recording the communication information, in a state capable of recording (Figure 5, labels 520,522);

wherein said control means executes control, in a case where the communication information is judged as an image signal, to cause the recording apparatus to start recording and to start recording and to record the recording start point at the start of recording (Col. 7, lines 51-67); and

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wherein said communication apparatus and said peripheral device (recording apparatus) are connected to each other through peripheral multi-purpose interface (a network), and said control means executes a communication protocol of said network and transmits a command to start the recording for said recording apparatus (Col. 7, lines 21-27).

As to Claims 2,12, **Mizikovsky** teaches a communication apparatus according to claim 1, wherein said discrimination means has a function of:

discriminating whether the communication information is an image signal, and said control means executes control, in case the communication information is judged as the image signal, to cause the recording apparatus to start recording (Figure 5).

As to Claims 5,15, **Mizikovsky** teaches a communication apparatus according to claim 1, wherein said recording apparatus includes transmission means for transmitting said communication information, and said control means executes control, through said transmission means, to set the recording apparatus in a state capable of recording (Figure 5).

As to Claim 11, with respect to Figures 1-2 and 5, **Mizikovsky** teaches a communication information recording method adapted for use in a communication apparatus capable of receiving communication information from an external source, the method comprising:

a discrimination step of discriminating presence or absence of reception of the communication information (Figure 1 and Figure 5, labels 502,504); and

a control step, of executing control, in case of reception of the communication information, to set a recording apparatus, capable of recording the communication information, in a state capable of recording (Figure 5, labels 520,522);

wherein said control step includes executing control, in a case where the communication information is judged as an image signal, to cause the recording apparatus to start recording and to record the the recording start point at the start of recording (Col. 7, lines 51-67); and

wherein said communication apparatus and said recording apparatus are connected to each other through a network, and said control step executes control using a communication protocol of said network and transmits a command to start recording for said apparatus (Col. 7, lines 7-21).

As to Claim 21, with respect to Figures 1-2 and 5, **Mizikovsky** teaches a computer readable memory medium storing a program for executing a communication information recording method adapted for use in a communication apparatus capable of receiving communication information from an external source, the method comprising

a discrimination step of discriminating presence or absence of reception of the communication information (Figure 1 and Figure 5, labels 502,504); and

a control step of executing control, in case of reception of the communication information, to set a recording apparatus, capable of recording the communication information, in a state capable of recording (Figure 5, labels 520,522);

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wherein said control step includes executing control, in a case where the communication information is judged as an image signal, to cause the recording apparatus to start recording and to record the recording start point at the start of recording (Col. 7, lines 51-67);

wherein said communication apparatus and said recording apparatus are connected to each other through a network, and said control step executes control using a communication protocol of said network and transmits a command to start recording for said apparatus (Col. 7, lines 7-21).

As to Claims 4,14, **Mizikovsky** teaches a communication apparatus according to claim 3, wherein said control means executes control, in case the communication information is judged as the image signal, to cause said recording apparatus to start recording and to record identification information for recognizing the recording start point at the start of recording (Col. 7, lines 21-30 and 51-67).

3. Claims 6-10 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mizikovsky** in view of **Gerszberg et al.** (US 6,052,439).

As to Claims 6,16, **Mizikovsky** teaches a communication apparatus according to claim 5:

Mizikovsky does not teach the following limitation:

“wherein said transmission means transmits said communication information according to the IEEE 1394 based interface standard”

However, it is obvious that **Mizikovsky** suggests the limitation. This is because **Mizikovsky** teaches the use of protocols for activating different peripheral devices. **Gerszberg**

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teaches the limitation (Col. 5, lines 1-9). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add IEEE 1394 capability to **Mizikovsky's** invention for providing networking as taught by **Gerszberg's** invention in order to provide desirable network interfaces.

As to claims 7,17, **Mizikovsky** teaches a communication apparatus according to claim 6, wherein said communication apparatus is applicable to a message telephone (Figure 1, label 50).

As to claims 8-9,18-19, **Mizikovsky** teaches a communication apparatus according to claim 1.

Mizikovsky does not teach the following limitation:

“wherein said recording apparatus is a magnetic recording apparatus”

Gerszberg teaches the limitation (Col. 8, lines 7-17). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add magnetic storage capability to **Mizikovsky's** invention for providing storage as taught by **Gerszberg's** invention in order to provide appropriate storage of information.

As to Claims 10,20, **Mizikovsky** teaches a communication apparatus according to claim 8, wherein said recording apparatus is a hard disk device (Figure 1, label 52e).

Response to Arguments

4. Applicant's arguments filed in the 1/12/04 Remarks have been fully considered but they are not persuasive because of the following:

(a) **Mizikovsky** does not teach a communication apparatus that transmits a command.

Examiner respectfully disagrees. This is because, and with respect to Figure 1, mobile station 10 is a communications apparatus with a multi-purpose interface, 52, which connects different peripheral devices, 52a-52f. The interface and connections are different networks using different protocols. More particularly, **Mizikovsky** teaches a cartographic display peripheral which receives (stores) and displays graphical road congestion information. This peripheral device is activated (command received) by the mobile station when calls from a traffic service is received by the mobile station (Col. 7, lines 14-21 and 51-67).

The recording of the start point of the road congestion information is inherent because **Mizikovsky** teaches that the information is received and displayed. This receiving inherently teaches that the start point of the information was received. Otherwise, the user would not be apprised of the locations of traffic congestion.

(b) Examiner respectfully believes that the 35 USC rejections with respect to **Mizikovsky** and **Gerszberg** were proper.

(c) Examiner respectfully reiterates his invitation to Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hendricks et al. (US 5,990,927) teach a set top terminal which supports interactive, TV and VCR programs.

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 306-0377 (for customer service assistance)

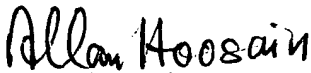
Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Allan Hoosain
Primary Examiner
2/5/04